



CITY OF PHILADELPHIA

LAW DEPARTMENT
ONE PARKWAY BUILDING
1515 ARCH STREET
PHILADELPHIA, PA 19102

Marcel S. Pratt
City Solicitor

Robert L. Kieffer
Assistant City Solicitor
(215) 683-5032 (Tel.)
(215) 683-5069 (fax)
Robert.Kieffer@phila.gov

September 26, 2018

VIA ELECTRONIC MAIL

Daniel McGrath
Staff Attorney
American Oversight
foia@americanoversight.org

Re: McGrath #2137

Dear Mr. McGrath:

Thank you for writing to the City of Philadelphia (the “City”) Mayor’s Office with your request for information pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. § 67.101 *et seq.* (the “Act” or “RTKL”). On July 17, 2018, the Mayor’s Office received your request for the following:

“All records reflecting communications (including emails, email attachments, text messages, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) concerning any visit by HUD Secretary Ben Carson between 1) the Philadelphia Mayor’s Office and 2) HUD Secretary Ben Carson, any representative of HUD Secretary Ben Carson, Secretary Carson’s son, Benjamin Carson Jr., or Secretary Carson’s daughter-in-law, Merlynn Carson.

Please provide all responsive records from March 2, 2017, to the date the search is conducted.”

On July 24, 2018, the City Law Department, on behalf of the Mayor’s Office, informed you that it would require up to an additional thirty (30) days to respond to your request. You granted the City extensions of time, collectively until September 28, 2018, to respond to your request. This constitutes the final response to your request.

The Mayor’s Office does not have records responsive to your request. It is not a denial of access under the Act if the records requested do not exist. *Cf. Jenkins v. Pennsylvania Dep’t of State*, O.O.R. Dkt. AP 2009-0065 (Pa. O.O.R. April 2, 2009).

Should you wish to contest any part of this decision, you may file an appeal with the Office of Open Records as provided for in 65 P.S. § 67.1101. You have 15 business days from the mailing date

of this response to challenge the City's response. Please direct any appeal to the Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234.

Please be advised that this correspondence will close your request with our office as permitted by law.

Respectfully,

A handwritten signature in black ink, appearing to read "Robert L. Kieffer".

Robert L. Kieffer, Esq.
Assistant City Solicitor